

JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police
(Amendment)

502 KAR 35:050. Statistical analysis of information related to missing children.

RELATES TO: KRS 17.450, 17.460

STATUTORY AUTHORITY: KRS 15A.160, 17.080, 17.450, 17.460

NECESSITY, FUNCTION, AND CONFORMITY: KRS 17.080 provides that the Secretary of Justice and Public Safety Cabinet may adopt such rules and administrative regulations as ~~[are]~~ necessary to properly administer the cabinet. KRS 17.450 provides that the Secretary may ~~[of Justice]~~ further issue administrative regulations which will provide for the functioning of the Kentucky Missing Child Information Center. KRS 17.450 requires that the Kentucky Missing Child Information Center annually report statistical information regarding ~~[with regard to]~~ the numbers of children missing from or believed missing in the Commonwealth of Kentucky. This administrative regulation establishes rules and administrative regulations regarding ~~[with regard to]~~ the furnishing of the ~~[said]~~ statistical data.

Section 1. Annual Report Required. On or before July 1 of each year, a written report shall be provided to the Secretary ~~[of Justice]~~ that will include statistical information regarding ~~[with regard to]~~ missing children in the Commonwealth of Kentucky.

Section 2. Law Enforcement Agency Assistance Required. The Kentucky Missing Child Information Center may require additional assistance from all law enforcement agencies regarding ~~[with regard to]~~ the development of the statistical data report as outlined in Section 1 of this administrative regulation. The ~~[Said]~~ assistance shall include ~~[be inclusive of]~~ but not be limited to in-depth case analysis with regard to a specific missing child incident, overall trends within a given geographical or jurisdictional area, and an in-depth missing child recovery trend analysis as well as the agency's methodology for finding and returning missing children.

PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 26, 2021 at 4:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 11:00 a.m. on November 22, 2021 at 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegContact@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes arrest and disposition reporting procedures.

(b) The necessity of this administrative regulation: This regulation is necessary in order to supply the Department with the required information pertaining to arrests made in the Commonwealth.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation establishes the reporting system necessary to effectively inform the Department of arrests made in the Commonwealth, and the eventual disposition of the matter.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation details the time allotted for an offense to be submitted to Records, and details the requirements of the unique numbering system in order to effectively keep track of the reported offenses.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment clarifies the existing language of the regulation, and removes outdated terms and requirements, including the completion of a UOR-1 or UOR-3 form.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary in order for the regulation to reflect current procedures implemented by the Department.

(c) How the amendment conforms to the content of the authorizing statutes: The amended regulation allows for the reporting procedures to be more effectively understood by the Department and reporting agencies.

(d) How the amendment will assist in the effective administration of the statutes: The amendment clarifies the existing language, which results in a more concise, and clear regulation; the amendment also removed outdated terms.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of Kentucky State Police, and criminal justice agencies.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No new or additional actions will have to be taken by the regulated entities in order to effectively comply with this amended regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Nothing.

(c) As a result of compliance, what benefits will accrue to the entities: The Department and criminal justice agencies will benefit from more clearly defined procedures, which will assist in the administration of the procedures.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees will be necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No, this regulation does not establish any new fees; nor does it directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.